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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,834	03/29/2004	Akiko Miyahara	250874US2XDIV	9975

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EXAMINER

LEUNG, PHILIP H

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,834

Applicant(s)

MIYAHARA ET AL.

Examiner

Philip H Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-79 is/are pending in the application.
- 4a) Of the above claim(s) 15-18, 20, 23-55, 58, 59, 62-65 and 67-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21, 22, 56, 57, 60, 61 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-29-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election with traverse of Group I and species of Figure 18, claims 15, 19, 21, 22, 56, 57, 60, 61 and 66 in the reply filed on 10-18-2004 is acknowledged. At the outset, it is pointed out that claim 15 does not read on Figure 18 as the leads 31L, 31R, 32L, 32R, 33L and 33R are not laid inside of the plurality of coils as claimed (see Page 25, line 2 – page 26, line 5). Therefore claim 15 is also considered as non-elected. The traversal is on the ground(s) that there is no serious burden because of overlapping search area. This is not found persuasive because there are two groups of different inventions and many species of different structure. The search of all groups and species would clearly add an undue burden on the Office. As applicant has not shown that the requirement was in error, the requirement is proper and will not be withdrawn.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 15-18, 20, 23-55, 58, 59, 62-65 and 67-79 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on 10-18-2004.

3. The drawings filed 3-29-2004 are acceptable.

4. In claims 19, 21 and 60, should “wound round” be “wound around” instead? Correction is suggested.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al (5,999,774).

Masuda shows an induction heating coil for an induction heating type fixing device that includes a heat roller 60, a plurality of coils 42 (42-1 – 42-4) are wound round said heat roller, and at least one of said plurality of coils is connected to another coil over an immediately adjoining coil by a connection lead 42a (see Figure 4A).

7. Claim 19 is further rejected under 35 U.S.C. 102(b) as being anticipated by Kouno et al (5,832,354).

Kouno shows an induction heating coil for an induction heating type fixing device that includes a heat roller 506, a plurality of coils 5031-503n are wound round said heat roller, and at least one of said plurality of coils is connected to another coil over an immediately adjoining coil

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by a connection lead 6041-504n (see Figures 23 and 28-30 and col. 32, col. 32, line 13 – col. 33, line 57 and col. 37, line 7 – col. 38, line 65).

8. Claims 21, 22, 60 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al (6,337,969).

Takagi shows an induction heating coil (Figures 2, 6 and 10) for an induction heating fixing device that includes a heat roller 11, 41, 81, a plurality of coils 15, 45, 85 are wound round said heat roller, and said plurality of coils each have leads at least one of which comprises a flat lead (see Figures 11A-11D, the terminals, D, E are the claimed leads).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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10. Claims 21, 22, 56, 57, 60, 61 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al (5,999,774) or Kouno et al (5,832,354), in view of Takagi et al (6,337,969) or McGaffigan et al (US 5,376,774).

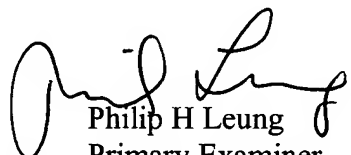
Masuda shows an induction heating coil for an induction heating type fixing device that includes a heat roller 60, a plurality of coils 42 (42-1 – 42-4) are wound round said heat roller, and at least one of said plurality of coils is connected to another coil over an immediately adjoining coil by a connection lead 42a (see Figure 4A). Kouno also shows an induction heating coil for an induction heating type fixing device that includes a heat roller 506, a plurality of coils 5031-503n are wound round said heat roller, and at least one of said plurality of coils is connected to another coil over an immediately adjoining coil by a connection lead 6041-504n (see Figures 23 and 28-30 and col. 32, line 13 – col. 33, line 57 and col. 37, line 7 – col. 38, line 65). Therefore, Masuda or Kouno shows an induction heating device having every feature and structure as claimed except for the use of a flat lead. Takagi shows an induction heating coil (Figures 2, 6 and 10) for an induction heating fixing device that includes a heat roller 11, 41, 81, a plurality of coils 15, 45, 85 and said plurality of coils each have leads at least one of which comprises a flat lead (see Figures 11A-11D, the terminals, D, E are the claimed leads). McGaffigan also shows an induction heating device with a plurality of coils having flat lead conductors 20, 22 (see Figures 1-3 and col. 3, lines 24-60). It also shows the conductors connecting adjacent coils 12, 14, 16 and 18 are flat (see Figure 1). It would have been obvious to an ordinary skill in the art to modify Masuda or Kouno to use flat lead wires for connecting adjacent coils or to the power supply instead of round wires for more secured connection, in view of the teaching of Takagi or McGaffigan.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782. The examiner can normally be reached on flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
1-06-2005